

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
One Judiciary Square
441 4th Street, NW
Washington, DC 20001-2714
(202) 727-8280

W.O.

Petitioner,

v.

DISTRICT OF COLUMBIA
CHILD AND FAMILY SERVICES AGENCY
Respondent

Case No.: 2011-CFSA-00001

FINAL ORDER

On January 31, 2011, W.O. filed a request for a hearing, claiming that the Child and Family Services Agency (“CFSA”) has been negligent in ensuring the safety of two of her children who have been placed in foster homes by CFSA. A copy of her request is attached.

The jurisdiction of the Office of Administrative Hearings (“OAH”) in CFSA matters is limited. The Office of Administrative Hearings Establishment Act, D.C. Official Code § 2-1831.03(a)(5), grants OAH the authority to conduct hearings in CFSA matters only in cases

in which a hearing is required to be held pursuant to §§ 7-2108(a) and 7-2108(b), including licensing and enforcement matters arising under rules issued by the Child and Family Services Agency[.]

Therefore, in CFSA matters, OAH may conduct only the hearings that are required by D.C. Official Code §§ 7-2108(a) or 7-2108(b). Section 7-2108(a) provides for preliminary review hearings when CFSA summarily suspends a youth residential facility’s license or summarily converts that license to a provisional or restricted license. Section 7-2108(b) allows hearings when CFSA seeks a fine for a violation of a regulation. Neither of those sections

provides a right to a hearing to review a parent's claim that CFSA is not properly caring for children in foster care. OAH, therefore, does not have the authority to give W.O. the hearing she has asked for, and this case will be dismissed. The dismissal will be without prejudice, which means that it will have no effect upon W.O.'s right to a hearing in any other forum that may have jurisdiction.

Therefore, it is, this 2nd day of February, 2011:

ORDERED, that W.O.'s hearing request is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction; and it is further

ORDERED, that any party may request a change in this Order by following the instructions below; and it is further

ORDERED, that any party may appeal this Order by following the instructions below.

John P. Dean
Principal Administrative Law Judge